



March 29, 2005

## **HARMAN: COMMISSION FINDINGS SHOULD NOT TRICKLE OUT**

WASHINGTON D.C. ---- Congresswoman Jane Harman (D-Venice), Ranking Democrat on the House Permanent Select Committee on Intelligence, today released the following statement regarding media reports on findings of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the "WMD Commission"):

"The Commission has been tasked with taking a critical look at the state of our Intelligence Community and its findings should not trickle out to Members of Congress and the public through sporadic media accounts.

"The report should be released right away to the relevant Congressional oversight committees and those pieces that can be made public should.

"Last year, in April 2004, all nine Democrats on the House Intelligence Committee wrote to President Bush urging him to fix major problems with our intelligence community. We urged the President to scrub the WMD estimates on Iran and North Korea and to improve our human intelligence gathering capabilities. These tasks still require action.

"It's also critical that the IC avoid the type of 'group-think' that plagued the November 2002 National Intelligence Estimate on Iraq. We now know that the Iraq NIE was based on flawed analysis. Future intelligence products - in particular, the current NIE being conducted on Iran - should not be written by the same team who fell into 'group-think' with the Iraq NIE.

"With Ambassador John Negroponte and Michael Hayden taking the reins as DNI and Deputy DNI, maybe now we'll get some traction on these critical issues."

Below is the text from the April 2004 letter.

April 1, 2004

President George W. Bush  
The White House  
Washington, DC 20500

Dear Mr. President:

Nearly a year ago, following the initial failure to find weapons of mass destruction in Iraq, the House Permanent Select Committee on Intelligence undertook an inquiry into the pre-war intelligence underlying the judgments that Saddam possessed weapons of mass destruction and had ties to terrorists. While aspects of the inquiry are still ongoing, we believe steps can and should be taken now to correct some of the deficiencies already identified.

We are mindful of the many intelligence successes of the brave and dedicated cadre of people serving our country as intelligence officers - many of whom are overseas at this very hour, risking their lives for our freedom. To keep faith with them, we must ensure they have all the tools they need to succeed.

The problems that have plagued our intelligence over the years must be fixed now in order to protect our troops in Iraq, to win the war on terrorism, and to stop the spread of weapons of mass destruction. It is in this spirit that we issue this urgent call to action.

We urge you to act immediately on the following near-term recommendations:

Refrain from tainting the various inquiries into 9/11 and Iraq's WMD programs. We support greater declassification of material that can help inform the American people of what happened in these two matters. However, we believe that it is inappropriate for the White House to be involved in the declassification decisions. White House involvement will only raise suspicions that critical classification decisions are being made for partisan political reasons. We, therefore, urge the White House to recuse itself from all declassification decisions involving 9/11 or the Iraq WMD inquiry and ask the CIA to appoint a professional, non-partisan review panel to make declassification recommendations.

Acknowledge the problems in pre-war intelligence. It is difficult for the Intelligence Community to talk about shortcomings in intelligence if senior policy leaders still insist that there were no serious problems. Acknowledging the problems will allow the intelligence community to move aggressively to fix them.

Direct the intelligence agencies to scrub immediately all WMD intelligence estimates worldwide and forward updates on all areas of serious concern. The systemic analytic deficiencies that plagued estimates of Iraq's WMD programs could also have affected other estimates, including on the nuclear programs of North Korea and Iran.

Direct the Intelligence Community to: (1) improve collection and vetting of hard-target information, to include new ways of deploying human intelligence collectors; and (2) adopt a more aggressive plan for diversifying the human intelligence (HUMINT) collector workforce with people who understand the cultures and speak the languages of

targeted countries and groups. The Intelligence Community failed to develop reliable human intelligence sources that could provide accurate information on the true state of Iraq's WMD programs or Iraq's ties to al-Qa'ida.

Direct a crash program to develop technical tools for detecting and accurately characterizing WMD programs. Current technical collection programs, such as satellite imagery, were unable to answer key questions regarding Iraq's WMD programs prior to the war.

Direct the National Security Council to review, and report back within 30 days, options for taking immediate steps to strengthen and reinvigorate international inspections. The IAEA Iraq Action Team, UNSCOM, and the UNMOVIC not only hampered Saddam's WMD pursuits, they also provided some of the clearest insights into those programs. Stronger international inspection regimes could assist the Intelligence Community in overcoming uncertainties about other nations WMD programs.

Direct the DCI to take specific steps to improve the way the Intelligence Community analyzes intelligence and conveys that information to policymakers. Three of the most important pre-war intelligence judgments - that Iraq had stockpiles of chemical and biological weapons, was reconstituting its nuclear weapons program, and was developing unmanned aerial vehicles probably intended to deliver biological warfare agent and could threaten the U.S. homeland - were seriously flawed.

It is now clear that analysts did not adequately challenge assumptions stemming from old information, such as Iraq's use of WMD in the 1980s and Iraq's failure during U.N. inspections to account for WMD-related equipment and materials. The absence of proof that stockpiles had been destroyed was taken as proof that they still existed. The pre-war analysis also stated bold conclusions - such as "Baghdad has chemical and biological weapons..." - that the underlying data did not adequately support.

Ensure intelligence analysts are encouraged to provide their best possible judgments, without pressure from senior policymakers. In our review, we have learned that intelligence analysts examining Iraq's ties to al-Qa'ida were subjected to intense pressure from senior policymakers to find connections between Iraq and al-Qa'ida. We believe that analysts must be encouraged to say when the reporting they are drawing on is not deep enough or sufficiently reliable to reach definitive judgments.

Ensure that intelligence information provided to policymakers is adequately vetted. Offices reporting to the Undersecretary of Defense for Policy, particularly the Counterterrorism Evaluation Group and the Office of Special Plans, provided summaries of terrorism intelligence, including information on Iraq's ties to al-Qa'ida, to senior Defense Department policymakers, the National Security Council staff, and the

Office of the Vice President. These analyses were based in part on unreliable or unvetted information. The Director of Central Intelligence, who is the President's ultimate arbiter of intelligence judgments, was apparently not aware that these materials were briefed to the Office of the Vice President. While policymakers have every right to seek information from a variety of sources, there is an inherent danger in setting up a stovepipe that forwards raw intelligence to policymakers without sufficient peer review.

Ensure public presentations of intelligence are accurate. Policymakers overstated or misstated the intelligence case with regard to Iraq's WMD programs, using phrases like "there is no doubt" and "there is no question" in public statements. While the pre-war intelligence was inappropriately categorical in several key respects, policymaker statements went even further in creating the impression that the information was even more solid than it was.

In the case of statements regarding Iraq's ties to al-Qa'ida, policymakers also often omitted important caveats. For example, they often failed to note that the reporting on Iraq's ties to al-Qa'ida was fragmentary and conflicting and from sources of varying reliability. Nor did they make clear that in the fall of 2002 the Intelligence Community had said that there was no credible information that Iraq was complicit in or had foreknowledge of any al-Qa'ida attack, including 9/11.

The DCI said in March 2004, "The steady spread of Usama bin Ladin's anti-US sentiment... ensures that a serious threat will remain for the foreseeable future . . . with or without al-Qa`ida in the picture" and "...that this enemy remains intent on obtaining, and using, catastrophic weapons." We need the very best intelligence now. Time is not on our side.

Sincerely,

JANE HARMAN  
Ranking Democrat

ALCEE L. HASTINGS  
Member of Congress

SILVESTRE REYES  
Member of Congress

LEONARD L. BOSWELL  
Member of Congress

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